

# **Patent and Trademark Office**

COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		Α	TTORNEY DOCKET NO.
09/699,466	10/31/00	YAMAZAKI		Ę; (	1756-2222
022204 NIXON PEABODY, LLP 8180 GREENSBORO DRIVE		MM91/0926	٦	EXAMINER NGUYEN, T	
SUITE 800 MCLEAN VA 22				2813	PAPER NUMBER
				DATE MAILED:	09/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    Tuan H. Nguyen	,	Application No.	Applicant(s)				
Tuan H. Nguyen  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the geoded for reply specified above is less then think (00) degre, a reply within the distultory minimum of think (00) days with the considered directly in the specified in the property of th		09/699,466	YAMAZAKI ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALILING DATE OF THIS COMMUNICATION.  Edunations of time may be available under the provisions of 3 C PR 1.13(a), in no event, however, may a reply be timely filed after 3K (5) MONTHS from the unaling date of this communication.  Edunations of time may be available under the provisions of 3 C PR 1.13(a), in no event, however, may a reply be timely filed after 3K (5) MONTHS from the maling date of this communication.  **Electric or reply is specified before, the malining date of this communication of the provision of Claims  4) Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-25 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-25 is/are allowed.  6) Claim(s) 1-25 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  9) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  11 provision of Claims or required that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11 proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  12 proved, corrected drawings are required in reply to this Office action.  13 acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a) (ro a provisional application).  3 Copies of the certified copies of the priorit	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  after 30x (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the maximum stitutory period will apply and valid logies SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the maximum stitutory period will apply and valid logies SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the maximum stitutory period will apply and valid logies SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified active then there membra set the three period will apply and valid logies SIX (6) MONTHS from the mailing date of this communication, even if timely fleet, may reduce a my event of the specified and the communication of the specified set in the specified and the specified set in second patent form adjustment. See 37 CFR 1.794(b).  Status  1)② Responsive to communication(s) filled on @d_ulv_2001.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)125 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Claim(s) is/are allowed.  9) The specification is objected to by the Examiner.  4pplication Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filled on is/are. allowed.  10) The drawing(s) filed on is/are. allowed.  11) The proposed drawing correction filed on is/are. allowed.  12) The proposed drawing correction filed on is/are. allowe	•	Tuan H. Nguyen	2813				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editablesing of term may be available under the precision of 3 CPR 1.136(a). In an event, however, may a raphy be timply filed  Editablesing of term may be available under the precision of 3 CPR 1.136(a). In an event, however, may a raphy be timply filed  If the period for raphy specified above is less than thirty (30) days, a raphy whith the sulutary minimum of thirty (30) days will be considered timely.  If the period for raphy specified above is less than thirty (30) days, a raphy whith the sulutary minimum of thirty (30) days will be considered timely.  If the period for raphy specified above is less than thirty (30) days, a reply whith the sulutary minimum of the mainty date of this communication, even if timely filed, may reduce a my camera plants term adjustment. Sea 7 CFR 1.734(b).  Status  1)  Responsive to communication(s) filed on 06 July 2001.  2a) This action is FINAL.  2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-25 is/are allowed.  6) Claim(s) 1-25 is/are rejected.  7) Claim(s) is/are allowed.  8) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner.  Application Papers  10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner.  Application which is a may not request that any objection to the drawing(s) be held in abovyance. See 37 CFR 1.85(a).  11) The proposed drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Friority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreig	The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:		5) Notice of Informal					

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#### **DETAILED ACTION**

#### **Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,180,439. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are directed to a method for forming a thin film transistor with an active layer having a tapered shaped.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzawa et al..

Suzawa et al., figs. 1-6 and related text on col. 1-9 teaches the claimed method for forming a thin film transistor including the step of forming a semiconductor island 24 having a tapered shape by patterning the semiconductor film 22, the tapered shape having an angle with a range of 30°C to 60°C between the side thereof and the underlying surface (fig. 2A-2C and related text), and crystallizing the semiconductor film by heating.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have selected a suitable angle for forming a tapered shape island in the process of forming a thin film transistor as suggested by Suzawa et al. for improving the step coverage, withstand voltage at the edge which, in turn, contributes to the characteristics and yields of the TFT.

### Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is 703-308-2550. The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Bowers can be reached on 703-308-2417. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and # for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Tuan H. Nguyen Primary Examiner Art Unit 2813

TN September 24, 2001